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2 || Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

7 TASER INTERNATIONAL, INC.

Plaintiff,
vs.

1 STINGER SYSTEMS, INC.; JAMES F.
MCNULTY, Jr.; and ROBERT GRUDER,

Defendants.

No. 2:09-CV-00289-KJD-PAL

**MOTION FOR EXPEDITED HEARING
ON MOTION RE WAIVER OF
PRIVILEGE**

1 TASER has filed a motion asking the Court to rule that defendants Stinger
2 Systems and Gruder definitively waived any privilege objections last week by voluntarily
3 producing literally hundreds (if not thousands) of potentially privileged documents. Dkt.
4 118. TASER *urgently* needs a hearing on this matter. The reason is this. Stinger has a
5 pending case in Florida – an Assignment for the Benefit of Creditors (“ABC”) matter – in
6 which it has proposed a sale transaction. That transaction must be approved by the
7 Florida court, and the judge has set the approval hearing for September 15. Meanwhile,
8 before suspending its review of the Stinger/Gruder production to file its motion, TASER
9 discovered evidence suggesting that the transaction being proposed is fraudulent. We are
10 submitting some of those documents to the Court separately for *in camera* review.
11 Without disclosing the substance of those documents here, TASER believes they reflect
12 Stinger’s intent to use the ABC action to avoid its liabilities in this case and patent
13 litigation in Arizona, and to emerge from the ABC action under a different name but with
14 the same operations.

15 It is imperative that TASER be in a position to apprise the Florida court of the
16 facts reflected in these documents before that court decides whether to approve the
17 transaction. TASER also needs an opportunity to complete its review of defendants’
18 production of documents to confirm whether there is additional evidence which the
19 Florida court ought to take into consideration on September 15. This is a matter of
20 importance not only to TASER, but to the judicial system itself, as it involves nothing
21 less than fair disclosure of the truth to a sister court.

22 TASER asks the Court to convene a hearing at the earliest possible vacancy on the
23 Court’s calendar to hear this matter and address this emergency situation. We recognize
24 that the Court has a busy docket and would not ask for this relief but for the upcoming
25 September 15 hearing in Florida.

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1 Respectfully submitted this 9th day of September, 2010.
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4 **GALLAGHER & KENNEDY, P.A.**
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7 By: s/ Mark A. Fuller
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14 and
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24 *Attorneys for Plaintiff*
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15 **CERTIFICATE OF SERVICE**
16
17

18 I hereby certify that on the 9th day of September, 2010, I electronically
19 transmitted the attached document to the Clerk of the Court using the CM/ECF System
20 for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF
21 registrants:
22
23

24 P. Sterling Kerr, Esq.
25 Marvin L.P. Simeon, Esq.
26 LAW OFFICES OF P. STERLING KERR
1 2450 St. Rose Parkway, Suite 120
2 Henderson, Nevada 89074
3 *Attorneys for Defendants Stinger Systems,
4 Inc. and Robert Gruder*
5
6

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Co-Counsel for Plaintiff

6 I further certify that on the 9th day of September, 2010, I served the attached
7 documents via electronic mail and U.S. Postal Service, First-Class Postage Prepaid, on
8 the following parties or counsel, who are not registered participants on the CM/ECF
9 System:

10 James McNulty
11 10620 Southern Highland Parkway, Suite 110
12 Las Vegas, Nevada 89141
13 Defendant *Pro Se*

14 By: s/ Donna Navarro
15 2539471 / 20791-0003

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